



Handwritten signature/initials

Docket No.: C15043/174944

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :)
Harold M. Bates) Examiner: D. Venci
Serial No.: 10/777,543) Art Unit: 1641
Filed: February 12, 2004)
For: DETECTION OF ASYMPTOMATIC)
CORONARY ARTERY DISEASE)
USING ATHEROGENIC PROTEINS)
AND ACUTE PHASE REACTANTS)

**RESPONSE TO OFFICE ACTION INCLUDING
AMENDMENT AND PETITION FOR EXTENSION OF TIME**

06/15/2007 AHMADI 00000029 10777543
01 FC:1251 120.00 OP

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed on February 9, 2007, which set a shortened statutory period of three months for response. A one-month extension of time to respond to the Office Action is hereby requested and a check in the amount of \$120.00 in payment of the fee required for the extension also accompanies this response. 37 CFR §§ 1.17 and 1.136.

Accordingly, this response is filed timely upon mailing with an executed certificate of mailing on or before June 11, 2007, since June 9 fell on a Saturday. 35 USC § 21(b); 37 CFR §§ 1.7 and 1.8.

It is not believed that this response requires any additional fee, but if any further fee is required in connection with this paper, please charge it to Deposit Account No. 02-4467.

In the Office Action, the Examiner made the restriction requirement previously imposed final. (See Paper No. 20070122.) The claims of Group I (*i.e.*, claims 1-9, 11-13, 15-30, 32-34, and 36-42), which were elected for prosecution with traverse, were examined on the merits, and claims 43 – 88 were withdrawn from consideration. (*Id.*) All of the pending claims were rejected under 35 USC §101, and §112, first and second paragraphs, based solely consideration of the two independent claims, *i.e.*, claims 1 and 22.

Although the rejection of each of the dependent claims should be withdrawn for the simple reason that the Examiner did not separately address each of the dependent claims or explain why the rejection of the independent claims would be relevant to each of the dependent claims, as explained below, because each of independent claims 1 and 22 does in fact comply with the requirements of 35 USC §101, and §112, first and second paragraphs, it respectfully is submitted that the rejections of all claims should be withdrawn. Furthermore, it is also respectfully submitted that the Examiner will find, in view of the amendments presented to claims 1 and 22 below, the rejections have also been obviated.

Applicants note that in the Office Action, the Examiner stated that all of "[t]he information disclosure statements filed February 12, 2004, June 18, 2004, June 23, 2004, November 10, 2005, May 26, 2006, September 5, 2006, and August 29, 2006, fail to comply with the provisions of 37 CFR § 1.98(b)(5)," and were not considered. (See

Paper No. 20070122, p. 2.) However, when undersigned counsel (MacRae) telephoned the Examiner to ascertain why, specifically, the information disclosure statements purportedly failed to comply with the provisions of 37 CFR § 1.98(b)(5), the Examiner stated that, after a second review of the information disclosures statements, they did comply with 37 CFR § 1.98(b)(5). The Examiner also said he would issue a paper stating that the information disclosure statements do comply with the provisions of 37 CFR § 1.98(b)(5) and that the art cited therein would be considered. To date, however, no such paper has been received and, therefore, the Examiner is requested again to formally indicate the foregoing in the next Office Action, that the information disclosure statements have been fully considered by the Examiner, and to initial and return all of the PTO-1449 forms to evidence such consideration.

For the reasons presented below, reconsideration of each rejection and allowance of all claims are respectfully solicited.

* * *

Please amend the application as follows.